

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TASLID INTERESTS, INC. and KATY
MOTELS, INC. dba MEMORIAL INN &
SUITES

Plaintiffs,

v.

ARCH SPECIALTY INSURANCE
COMPANY

Defendant.

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CIVIL ACTION NO. 4:18-cv-1692

**DEFENDANT'S MOTION TO STRIKE OR EXCLUDE EXPERT DESIGNATION
OF STEVE STRZELEC**

Defendant Arch Specialty Insurance Company files its Motion to Strike or Exclude Expert Designation of Steve Stzrelec, and would show:

1. The court's Rule 16 Order required Plaintiff to designate experts by October 19, 2018 (Doc. 10). The Order states that such expert witnesses "shall be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion." (*Id.*).

2. Federal Rule of Civil Procedure 26(a)(2)(B) provides that "[u]nless otherwise stipulated or ordered by the court, this [expert] disclosure must be accompanied by a written report -- prepared and signed by the witness -- if the witness is one retained or specially employed to provide expert testimony in the case" FED. R. CIV. P. 26(a)(2)(b) Subsections (i) - (vi) list the required contents of the report. *Id.*

3. On October 19, 2018, Plaintiff served its Designation of Expert Witnesses. *See* Exhibit "A." Plaintiffs designated Steve Strzelec to testify about "established claims handling industry standards, Defendant's practices, policies and procedures related to claims handling standards, and the handling of the Plaintiffs' insurance claims by Defendants" *Id.* at p. 6. Plaintiffs state that Mr. Strzelec is a retained expert under Rule 26(a)(2)(b). *Id.* However, Plaintiffs did not provide a report for Mr. Strzelec with their designation. *Id.*

4. Plaintiffs have not provided a report from Mr. Strzelec as of this Motion, more than 90 days after their expert designation deadline.

5. Because Plaintiffs did not provide an expert report for Mr. Strzelec as required by this Court's Rule 16 Order and the Federal Rule of Civil Procedure 26, the court should enter an order striking Plaintiffs' designation of Mr. Strzelec and excluding him from testifying at trial.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was served upon all counsel via electronic filing on January 28, 2019.

/s/ Christopher M. Raney
CHRISTOPHER M. RANEY